

1 Jan K. Tomasik, Esq.
2 Nevada Bar No.15104
3 Jonathan A. Rich, Esq.
4 Nevada Bar No. 15312
5 COZEN O'CONNOR
6 500 North Rainbow Blvd., Suite 300
7 Las Vegas, NV 89107
8 Telephone: 702-470-2330
9 Facsimile: 702-470-2370
10 Email: JTomasik@cozen.com
11 Email: JARich@cozen.com
12 *Attorney for Axis Insurance Company.*

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHNNY WAYNE THORN, an individual,

Plaintiff,

vs.

AXIS INSURANCE COMPANY, an insurance
company doing business in Nevada; DOES I
through X, inclusive; XYZ CORPORATIONS
XI through XX; and ABC LIMITED
LIABILITY COMPANIES XXI through XXX,

Defendants.

CASE NO. 2:23-cv-02093-JAD-DJA

**JOINT STIPULATION TO EXTEND
DISCOVERY DEADLINES
(FIRST REQUEST)**

Plaintiff JOHNNY WAYNE THORN ("Plaintiff") and Defendant AXIS INSURANCE COMPANY ("Defendant") (together, the "Parties"), through each Parties' counsel of record, hereby file this Joint Stipulation to Extend Discovery Deadlines (First Request) (the "Motion"). This Motion is filed in accordance with LR 26-3. For the reasons set forth below, the Parties respectfully request this Court extend the current discovery deadlines by one hundred and twenty (120) days. This is the first motion to extend the discovery deadlines.

I. INTRODUCTION

This is an action by Plaintiff against Defendant seeking benefits under a underinsured motorist policy. On November 16, 2020, Plaintiff claims that he sustained injuries arising out of a motor vehicle accident. Plaintiff claims that as a result of the subject accident, he underwent a anterior cervical discectomy and fusion surgery. Plaintiff's past medical expenses equate to \$159,961.97 and a wage loss claim for \$111,011.54.

II. DISCOVERY COMPLETED TO DATE

1. The parties conducted the Rule 26(f) conference on January 17, 2024.
2. The parties have exchanged their Rule 26(a)(1) disclosures and supplements thereto.
3. The parties have propounded and responded to written discovery.

III. DISCOVERY TO BE COMPLETED

1. The parties are continually attempting to obtain Plaintiff's pre-accident medical records and films. The parties have been diligently working to obtain medical records thus far.
2. The parties have scheduled a mediation to take place on August 12, 2024 as explained below.'
3. Before mediation, the parties will notice Plaintiff's deposition.
4. Additional written discovery
5. Additional depositions
6. Expert disclosures
7. Rebuttal expert disclosures
8. Expert depositions

IV. REASONS WHY DISCOVERY WAS NOT COMPLETED WITHIN TIME LIMITS AND NEED FOR DISCOVERY TO BE EXTENDED

This is the first request to extend discovery deadlines. Good cause also exists in that the parties have been active in discovery, and have scheduled a mediation of this case after the requisite discovery has been taken to do so. Additionally, the parties are still obtaining relevant medical records related to Plaintiff's preexisting neck conditions pre-dating the subject accident. **The parties have scheduled a mediation with Hon. Trevor Atkins (Ret.) to take place on August 12, 2024.** Before the mediation

1 takes place, the parties will also notice a deposition of Plaintiff. As such, the parties request a 120-day
2 extension to the below future deadlines and trial dates.

3 **V. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY**

4 EVENT	EXISTING DEADLINE	PROPOSED NEW DEADLINE
5 Last Day to File Motion to 6 Amend Pleadings/Add Parties	7 March 18, 2024	CLOSED
8 Initial Expert Disclosures	9 April 17, 2024	August 15, 2024
10 Rebuttal Expert Disclosures	11 May 17, 2024	September 16, 2024
12 Completion of Discovery	13 June 17, 2024	October 15, 2024
14 Dispositive Motions	15 July 17, 2024	November 14, 2024

16 ///

1 WHEREFORE, the Parties respectfully request that the Court extend the current discovery
2 deadlines by one hundred and twenty (120) days.

3 Dated: April 16, 2024

Dated: April 16, 2024

4 **COZEN O'CONNOR**

KIDWELL & GALLAGHER

5
6 /s/ Jan K. Tomasik

7 Jan K. Tomasik, Esq.
8 Nevada Bar No. 15104
Jonathan A. Rich, Esq.
9 Nevada Bar No. 15312
500 North Rainbow Blvd., Suite 300
Las Vegas, Nevada 89107
10 *Attorneys for Defendant Axis Insurance
Company*

/s/ Barbara W. Gallagher

Barbara W. Gallagher
Nevada Bar No. 5315
790 Commercial Street
Elko, Nevada 89801
Attorneys for Plaintiff Johnny Wayne Thorn

11
12
13
14
15 **IT IS SO ORDERED.**

16 

17
18 UNITED STATES MAGISTRATE JUDGE

19 Dated: 4/17/2024

From: [Barbara Gallagher](#)
To: [Tomasik, Jan K.](#)
Cc: [cassie@kidwellgallagher.com](#); [Rich, Jonathan A.](#); [Calderon, Erika](#); [Hampton, Regina](#)
Subject: Re: FW: Activity in Case 2:23-cv-02093-JAD-DJA Thorn v. Axis Insurance Company Order on Stipulation
Date: Tuesday, April 16, 2024 9:29:19 AM

****EXTERNAL SENDER****

Looks good, thank you. You may affix my e-signature.

On Tue, Apr 16, 2024 at 9:04 AM Tomasik, Jan K. <JTomasik@cozen.com> wrote:

Hi Barbara,

I amended the joint motion to extend, per yesterday's minute order instructions. Please let me know if we may affix your e-signature for filing today.

If you require any changes, please let us know.

Thx



Jan K. Tomasik, Esq.
Office Managing Attorney | Cozen O'Connor
500 North Rainbow Blvd. Suite 300, Las Vegas, NV 89107
Cell / Text: 702-806-1138 - O: 702-470-2317 - F: 702-470-2353
[Email](#) | [Map](#) | [cozen.com](#)

From: Barbara Gallagher <barbara@kidwellgallagher.com>
Sent: Monday, April 15, 2024 5:14 PM
To: Tomasik, Jan K. <JTomasik@cozen.com>
Cc: [cassie@kidwellgallagher.com](#); Rich, Jonathan A. <JARich@cozen.com>
Subject: Re: FW: Activity in Case 2:23-cv-02093-JAD-DJA Thorn v. Axis Insurance Company Order on Stipulation

****EXTERNAL SENDER****

I just saw that and sorry I did not catch that either. I will look for it in the morning. Thanks.

On Mon, Apr 15, 2024 at 4:01 PM Tomasik, Jan K. <JTomasik@cozen.com> wrote:

Hi Barbara,

It looks like I made an error in the stip. I will look at this in the AM and send over a revised version of the stipulation for your review.

Thx,



Jan K. Tomasik, Esq.

Office Managing Attorney | Cozen O'Connor

500 North Rainbow Blvd. Suite 300, Las Vegas, NV 89107

Cell / Text: 702-806-1138 - O: 702-470-2317 - F: 702-470-2353

[Email](#) | [Map](#) | cozen.com

From: cmecf@nvd.uscourts.gov <cmecf@nvd.uscourts.gov>

Sent: Monday, April 15, 2024 3:39 PM

To: cmecfhelpdesk@nvd.uscourts.gov

Subject: Activity in Case 2:23-cv-02093-JAD-DJA Thorn v. Axis Insurance Company Order on Stipulation

****EXTERNAL SENDER****

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

United States District Court

District of Nevada

Notice of Electronic Filing

The following transaction was entered on 4/15/2024 at 3:39 PM PDT and filed on 4/15/2024

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), I certify that I am an employee of COZEN O’CONNOR, and that on this 16th day of April, 2024, I served a true and correct copy of the foregoing **JOINT MOTION TO EXTEND DISCOVERY** as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☒ via electronic means by operation of the Court’s electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

Barbara W. Gallagher, Esq. KIDWELL & GALLAGHER, LTD. 790 Commercial Street Elko, NV 89801 Email: barbara@kidwellgallagher.com <i>Attorneys for Plaintiff</i>	
---	--

By /s/ Marison Zafra
 An Employee of Cozen O’Connor